

K2KLPINC

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 379 (PKC)

5 MAURICIO HERNANDEZ PINEDA,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.  
9 February 20, 2020  
2:30 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the  
Southern District of New York

16 BY: ELINOR TARLOW

Assistant United States Attorney

17 LINCOLN SQUARE LEGAL SERVICES, INC.

18 Attorneys for Defendant

19 BY: MICHAEL W. MARTIN

IAN WEINSTEIN

20 Also Present:

21 Humberto Garcia, Interpreter (Spanish)

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1 (Case called)

2 MS. TARLOW: Good afternoon, your Honor.

3 Elinor Tarlow, for the government.

4 THE COURT: Good afternoon, Ms. Tarlow.

5 And for the defendant?

6 MR. MARTIN: Good afternoon, your Honor.

7 Michael Martin, Lincoln Square Legal Services. With  
8 me on the right is Mr. Pineda. And further on the right is Mr.  
9 Ian Weinstein, another supervising attorney in Lincoln Square  
10 Legal Services.

11 THE COURT: All right. Good afternoon to you all.

12 And good afternoon to Mr. Pineda.

13 THE DEFENDANT: Good afternoon.

14 THE COURT: Mr. Martin, has the defendant received,  
15 reviewed, and discussed with you the indictment that was  
16 returned and docketed under 15 Cr. 379 and contains three  
17 separate counts as well as forfeiture allegations?

18 MR. MARTIN: He has seen it. We have reviewed it  
19 together, your Honor.

20 THE COURT: All right. And does he waive the public  
21 reading of it?

22 MR. MARTIN: He does, your Honor.

23 THE COURT: All right. And how does Mr. Pineda plead  
24 to the three counts of the indictment?

25 MR. MARTIN: Not guilty, your Honor.

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1           THE COURT: All right. A plea of not guilty will be  
2 entered on the docket.

3           Let me hear from the government as to the volume of  
4 discovery in this case and when the government anticipates  
5 discovery will be complete.

6           MS. TARLOW: Yes, your Honor.

7           The discovery in this case primarily consists of  
8 recordings, paperwork associated with the defendant's arrest,  
9 as well as certain other discovery that has been produced to  
10 the defendant's co-defendants. The Rule 16 discovery is not  
11 entirely voluminous, primarily because the evidence against  
12 this defendant relies on cooperating witness statements, and,  
13 therefore, would be Rule 3500 material.

14          So the parties have conferred and discussed setting --  
15 or proposing to your Honor setting another conference date in  
16 approximately 60 days, which would allow the government time to  
17 produce discovery, defense to review discovery, and for the  
18 parties to engage in any pretrial disposition discussions.

19          THE COURT: All right. How does that sound to you,  
20 Mr. Martin?

21          MR. MARTIN: That sounds fine, your Honor.

22          THE COURT: Let's see if you can get you a date about  
23 60 days out.

24          Would April 24th be convenient, Mr. Martin?

25          MR. MARTIN: Yes, it would be, your Honor.

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1 THE COURT: All right. And, Ms. Tarlow?

2 MS. TARLOW: Yes, your Honor.

3 THE COURT: All right. So I'll set it for April 24th,  
4 at 11:30. And I'll hear the government's motion.

5 MS. TARLOW: For the reasons just stated, your Honor,  
6 we would exclude time until April 24th, to produce discovery,  
7 to have defense review discovery, and to engage in pretrial  
8 disposition discussions.

9 MR. MARTIN: No objection, your Honor.

10 THE COURT: All right. And April 24th will be the  
11 date and time for the defendant to return and advise the Court  
12 whether there are any motions the defendant wishes to make in  
13 this case.

14 I find that the ends of justice will be served by  
15 granting a continuance to April 24th and that the need for a  
16 continuance outweighs the best interests of the public and the  
17 defendant in a speedy trial. The reasons for my finding are  
18 that the time is needed to enable the government to produce  
19 discovery, for defense counsel to review it, to discuss it with  
20 his client, and to be in a position to return to this Court to  
21 advise whether there are any motions he wishes to make in this  
22 case. Accordingly, the time between today and April 24th is  
23 excluded under the Speedy Trial Act.

24 Anything further from the government?

25 MS. TARLOW: No, your Honor. Thank you.

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1 THE COURT: From the defendant?

2 MR. MARTIN: No, your Honor.

3 THE COURT: Thank you all very much.

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